



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: YITZCHAIK=1A

In re Application of:)	Art Unit: 1711
)	
Shlomo YITZCHAIK)	Examiner: DUC TRUONG
)	
Appln. No.: 10/600,641)	Washington, D.C.
)	
Filed: June 23, 2003)	Confirmation No. 6106
)	
For: MOLECULAR LAYER EPITAXY)	September 21, 2004
METHOD AND COMPOSITION)	

PETITION FOR ENTRY OF AMENDMENT UNDER 37 CFR 1.312

Customer Window, Mail Stop
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Applicant hereby petitions for entry of the
amendment under 37 CFR 1.312 submitted herewith.

The amendment under 37 CFR 1.312 is necessary to
ensure that the claims in the issued patent are indeed
patentable. Entry of the present amendment is respectfully
petitioned because claims 1 and 12 would be unpatentable under
35 U.S.C. 112, second paragraph, for being indefinite in the
absence of such an amendment.

Claim 1 has been amended to delete "metallic" from
line 3 of the claim because there is no antecedent basis in

lines 1-2 of the claim for "metallic." Additionally, the term "metallic substrate" does not appear anywhere in the application. It should also be noted that the Examiner did not use the term "metallic substrate" in the reasons for allowance.


Claim 12 has been amended to recite "the multilayered structure" of claim 11 rather than "The composition", as claim 11 is directed to a multilayered structure.

Entry of the accompanying amendment is earnestly solicited, as this amendment is filed only one week after paying the Issue Fee.

The attached form for charging to a credit card is submitted herewith to cover the petition fee required under 37 CFR 1.17 (h).

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

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UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Shlomo YITZCHAIK

Appln. No. 10/600,641

Date Filed: June 23, 2003

For: MOLECULAR LAYER EPITAXY METHOD

Art Unit: 1711

Examiner: DUC TRUONG

Washington, D.C.

Atty.'s Docket: YITZCHAIK=1A

Date: September 21, 2004

Confirmation No. 6106

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Transmitted herewith is a REPLY: AMENDMENT/REMARKS AND PETITION in the above-identified application.

- ☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted
- ☐ Applicant claims small entity status. See 37 C.F.R. §1.27.
- ☐ No fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 12	MINUS	** 20	0
INDEP.	* 1	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 43	\$
+ 145	\$
ADDITIONAL FEE TOTAL	
\$	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 86	\$
+ 290	\$
TOTAL	
\$	

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within

☐ First - \$ 55.00

☐ Second - \$ 210.00

☐ Third - \$ 475.00

☐ Fourth - \$ 740.00

Month After Time Period Set

Other Than Small Entity
Response Filed Within

☐ First - \$ 110.00

☐ Second - \$ 420.00

☐ Third - \$ 950.00

☐ Fourth - \$ 1480.00

Month After Time Period Set

☐ Less fees (\$) already paid for ___ month(s) extension of time on _____.

☒ Petition fee of \$130.00.

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$_____.

☒ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$130.00.

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

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